

A

B I L L

FOR

Confirming a Provisional Order made by the Board of Trade A.D. 1871,
under The General Pier and Harbour Act, 1861, relating —
to Cork.

WHEREAS a Provisional Order made by the Board of Trade
under The General Pier and Harbour Act, 1861, is not of ^{24 & 25 Vict.}
any validity or force whatever until the confirmation thereof by Act
of Parliament :

5 And whereas it is expedient that the Provisional Order made by
the Board of Trade under the said Act, and set out in the schedule
to this Act, be confirmed by Act of Parliament :

Be it therefore enacted by the Queen's most Excellent Majesty,
by and with the advice and consent of the Lords Spiritual and
10 Temporal, and Commons, in this present Parliament assembled,
and by the authority of the same, as follows :

1. The Order set out in the schedule to this Act shall be and confirmed
the same is hereby confirmed, and all the provisions thereof in ^{Confirmation of}
manner and form as they are set out in the said schedule shall, ^{Order in}
15 from and after the passing of this Act, have full validity and force. ^{schedule.}

2. This Act may be cited as the Pier and Harbour Orders ^{Short title.}
Confirmation Act, 1871 (No. 3).

SCHEDULE

A.D. 1871.

Cork.

CORK.

*Order for the maintenance and regulation of the Harbour and Port
of Cork.*

Short title. 1. This Order may be cited as "The Cork Harbour Order, 1871," and shall be construed with the following Acts (so far as the same are not by this Order repealed) as one Act or Order, that is to say, with the Act of the first year of the reign of George the 4th, chap. 52 (local), intituled "An Act for erecting a ballast office, and for regulating pilots, within the port and harbour of Cork, and for rendering more safe and commodious the said port and harbour for all ships and vessels trading to and from the same," (which Act is in this Order called the Act of 1820,) and with The Cork Harbour Amendment Act, 1866, (in this Order called the Act of 1866).

Commencement of Order. 2. This Order shall commence and take effect on the third Monday after the passing of the Act confirming this Order. 15

Repeal of certain sections of Act of 1820. 3. The following sections of the Act of 1820 are hereby repealed; namely, Section 27 (relating to penalties on masters of vessels taking ballast); Section 28 (relating to the appointment and duties of harbour masters and their deputies):

Section 29 (relating to removal of obstructions): 20
Section 30 (relating to mode of recovering rates):
Section 31 (relating to manner of payment of rates):
Section 32 (relating to mode of ascertaining tonnage):
Section 33 (relating to appeals).

Same meanings. 4. In this Order the several words and expressions to which meanings are assigned by the Acts of 1820 and 1866, or either of them, or by the Acts wholly or partially incorporated with this Order, shall have the same respective meanings, unless there be something in the subject or context repugnant to such construction.

Interpretation. 5. In this Order, and in the Acts wholly or partially incorporated herewith, the following words and expressions shall have the respective meanings hereby assigned to them, unless there be something in the subject or context repugnant to such construction; (that is to say,)

"Queenstown Town Commissioners" shall mean the Commissioners for the time being acting under "The Towns Improvement (Ireland) Act, 1854," in and for the town of Queenstown:

The expression "superior courts" or "court of competent jurisdiction," or other like expression, shall be read and have effect as if the debt or demand with respect to which the expression is used were a simple contract debt, and not a debt or demand created by statute. 40

"Queenstown
Town Commissi-
oners."

* Superior
courts."
† Court of com-
petent judi-
ciction."

The expression "harbour master" means and includes the harbour master and all deputy harbour masters for the time being appointed and acting under the Acts of 1820 and 1866, or either of them, or this Order.

*Cork.
Harbour
master."*

6. The Lands Clauses Consolidation Act, 1845, except so much thereof as relates to the purchase or taking of lands otherwise than by agreement, and except so much thereof as relates to the sale of superfluous lands, and The Lands Clauses Consolidation Act Amendment Act, 1860, shall be incorporated with this Order.

*Incorporation
of Lands
Claus. Act.*

7. The following sections of the Commissioners' Clauses Act, 1847, shall be incorporated with this Order; that is to say, section 8 (no bankrupt or insolvent to be a Commissioner); section 10 (shareholders in companies established by Act of Parliament not disqualified by reason of bankruptcy); section 11 (Commissioner not incapable of acting as a justice); and also the clauses with respect to the mortgages to be executed by the Commissioners.

*Incorporation
of Commis-
sioners' Clauses
Act.*

15. 8. The Commissioners for carrying into execution the purposes of the Act of 1820, in this Order called "the Commissioners," shall be the Undertakers for the purposes of this Order.

*Commissioners
to be the Un-
derwriters.*

9. The Commissioners shall not commence or construct any quay, pier, wharf, or other similar work below the line of high-water mark without the consent 20 of the Board of Trade having been first obtained, in writing under the hand of one of their secretaries or assistant secretaries, and shall not construct any such work otherwise than according to such plan and under such restrictions and regulations as may be approved of by the Board of Trade in writing as aforesaid; and where any such work shall have been constructed the Commissioners 25 shall not at any time alter or extend the same without having first obtained the like consent or approval; and if any such work shall be commenced, completed, altered, or extended without such consent or approval having been first obtained, it shall be lawful for the Board of Trade, at the costs and charges of the Commissioners, to abate and remove the same, and to restore the site thereof to its 30 former condition, and the amount of such costs and charges shall constitute a debt due from the Commissioners to the Crown, and may be recovered accordingly.

*Works below
high-water
mark not to be
commenced
without con-
sent.*

10. If any work or portion of a work constructed or to be constructed by the Commissioners in, under, over, through, or across any tidal water or 35 navigable river, and which affects or may affect any such water or river or access thereto, shall be abandoned, or suffered to fall into disuse or decay, it shall be lawful for the Board of Trade, at the costs and charges of the Commissioners, to abate and remove the same or any part thereof, and to restore the site thereof to its former condition, and the amount of such costs and 40 charges shall constitute a debt due from the Commissioners to the Crown, and may be recovered accordingly.

*Works affecting
tidal waters, &c.
abandoned may
be removed, at
expense of
Commissioners.*

11. It shall be lawful for the Board of Trade, at any time or from time to time, as they may deem it expedient, to order a local survey and examination 45 of any works of the Commissioners in, over, or affecting any tidal or navigable water or river, or of the intended site thereof, and the Commissioners shall defray all the costs of every such survey and examination, and the amount of

*Local survey
may be ordered
by the Board of
Trade, at ex-
pense of Com-
missioners*

4. *Pier and Harbour Orders Confirmation (No. 3).* [34 Vict.]

A.D. 1871. such costs shall constitute a debt due from the Commissioners to the Crown, and may be recovered accordingly.

Cork.
Repairing slip,
etc., rates in
schedule.

12. On and after the commencement of the operation of this Order, the Commissioners may demand and take of and from the master, owner, consignee, agent, or broker of every vessel in any manner using any repairing slip or gridiron made, set up, or provided by the Commissioners, any sums not exceeding the rates specified in the schedule to this Order: Provided that nothing in this Order contained shall oblige the Commissioners to continue or to enlarge any existing or to provide any new repairing slip or gridiron in the port, or oblige them to have or provide any repairing slip or gridiron for any vessel exceeding 10 in registered tonnage 100 tons, or for any vessel whose draft of water at the time being will not permit her to use it, or if using it will not permit her to quit it.

Renting rates of
limestones and
other ballast.
13. On and after the commencement of the operation of this Order, the Commissioners may demand and take for every ton of marketable limestone 15 ballast furnished by them to any ship or vessel any sum not exceeding the sum of 3s. 6d. per ton, in lieu of the sum of 2s. as fixed by the Act of 1820, and for every ton of ballast, not being limestone, so furnished, any sum not exceeding 2s., in lieu of the sum of 1s. as fixed by the Act of 1820.

Commissioners
may supply
lime-stone or
other ballast at
their option,
and as to deliv-
ering the
same.
14. Upon any demand for the furnishing of limestone ballast, or ballast not being limestone, the Commissioners may furnish whichever of the two they think fit, and deliver the same from the quay side or from a ballast lighter, at their option; and if from the quay side, the master shall immediately place his vessel at any safe and convenient quay berth assigned by the Commissioners, who shall forthwith proceed to place the ballast on the deck of such vessel; and if from a lighter, the master shall forthwith place his vessel at such safe and convenient place as shall be assigned by the Commissioners, who shall thereupon deliver the ballast on to the deck or through the side port or bow port of the vessel, as shall be most convenient to them; but if the deck or the port shall be, at or during such delivery, more than five feet above the deck of the lighter, the Commissioners shall be at liberty to require the master or other person making the demand to fix, at the cost of the vessel, a suitable and convenient stage to the side of the vessel, not above five feet from the deck of the lighter, for the purpose of receiving the ballast; and the delivery of ballast upon such stage shall be a sufficient delivery.

Penalty on per-
sons taking of
delivering bal-
last except
from or to
Commissioners.
15. No person shall furnish to any vessel, nor shall any person receive or suffer to be put on board any vessel, any ballast, without the previous consent in writing of the Commissioners, under the hand of some one of their officers, except under the circumstances provided for in section 65 of the Act of 1820; and any person offending against this enactment shall for every such offence be liable to a penalty not exceeding 20L.

Separate ac-
counts to be
kept of pay-
ments and re-
ceipts for bal-
last.
16. The Commissioners shall keep a separate account of the moneys received and expended by them in respect of the supply to and removal from ships of ballast, and of dredging, and shall arrange the payments demanded and received by them for such supply and removal so that such payments shall not in any year exceed their expenditure in the supply and removal of and dredging for

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Cork.

ballast, and the Board of Trade, at any time and from time to time, on being satisfied that the moneys received by the Commissioners for the supply and removal of ballast exceeds their expenditure for the same purpose, including the cost of dredging for ballast, may reduce the rates leviable by the Commissioners for such supply and removal, with power from time to time to raise them again to not exceeding the amounts authorised by the Act of 1820 and this Order.

17. In addition to the lands which the Commissioners are empowered to acquire under the Acts of 1820 and 1866 or either of them, the Commissioners may from time to time, by agreement, but not otherwise, and with the assent of the Board of Trade, in writing under the hand of one of their secretaries or assistant secretaries, acquire, either by purchase or by way of lease or otherwise, any lands not exceeding twenty acres, and also the right of raising or taking from any lands ballast for vessels, and also any other right or privilege required by the Commissioners for any of the purposes of their Undertaking.

Power to pur-chase land by agreement.

18. The Commissioners may, with the assent in writing of the Board of Trade, under the hand of one of their secretaries or assistant secretaries, sell any lands or rights purchased or acquired by the Commissioners under the provisions of this Order, and which may appear to the Commissioners to be no longer required for the purposes of their Undertaking, and may for that purpose execute and do all necessary or proper contracts, assurances, acts, and things, and the moneys produced by any such sale shall be applied in like manner as the surplus income of the Commissioners is by this Order directed to be applied.

Power to sell lands not wanted.

19. The Commissioners may from time to time or at any time borrow on mortgage on the security of the estates and property of the Commissioners, and of all or any part of the rates, dues, and tolls by the Acts of 1820 and 1866, and this Order, or any of them, authorised to be taken, or of any of such estates, property, rates, dues, or tolls, any sum or sums not exceeding in the whole the sum of 110,000*l*. which may be required for discharging the existing debt of the Commissioners, amounting to the sum of 48,115*l*, or for the purposes of the works authorised by the Acts of 1820 and 1866, and this Order, or any of them; and any money borrowed under the authority of this Order, and discharged otherwise than by means of the sinking fund in this Order mentioned, or by payments in discharge of capital equivalent to a sinking fund, may be re-borrowed from time to time, if required for the purposes of this Order: Provided that, except for the purpose of discharging the existing debt of the Commissioners, no greater sum than 68,885*l* in the whole shall be borrowed under this Order; provided also, that out of the said sum of 68,885*l*. the sum of 10,000*l*. at least shall be applied to further improving that portion 40 of the harbour and port which lies in the immediate vicinity of the town of Queenstown.

Power to bor-row money.

20. Every mortgage or security granted by the Commissioners under the Act of 1820, or the Act of 1866, or the Cork Improvement Act, 1868, and which shall be in force when this Order comes into operation, shall have 45 priority over all mortgages made under this Order.

Existing mort-gages to retain priority.

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Cork.
Receiver for
mortgages.

Money to be
applied for the
purposes of
Orders.
Application of
rates.

21. The mortgagees under this Order may enforce payment of arrears of principal and interest due on their mortgages by the appointment of a receiver; and in order to authorise the appointment of a receiver, the amount owing to the mortgagees by whom the application for a receiver shall be made shall not be less than ten thousand pounds in the whole. 5

22. Every part of the money borrowed under this Order shall be applied only for the purposes authorised by the Acts of 1820 and 1866 and this Order.

23. The Commissioners shall apply all money received by them from the rates, dues, and tolls authorized by the Act of 1820, or the Act of 1866, or this Order, and all other income coming to their hands in respect of works, land, 10 or property vested in them for the purposes of the Acts of 1820 and 1866, or this Order, for the purposes and in the manner following; that is to say,—

- (1.) In paying year by year the interest and principal accruing due in respect of the existing debt of the Commissioners, at the times and in the manner as and in which the same is contracted to be paid: 15
- (2.) In paying the costs of and connected with the preparation and making of this Order:
- (3.) In paying the expense of the maintenance, repair, management, and regulation of the harbour, and the works connected therewith:
- (4.) In paying year by year the interest accruing on money which after this Order takes effect shall be borrowed for the purposes and under the powers of the Cork Improvement Act, 1868:
- (5.) In paying year by year the interest accruing on money borrowed under this Order:
- (6.) The surplus income of the Commissioners, after providing for the purposes aforesaid, shall be applied in creating the sinking fund required by sect. 37 of the Cork Improvement Act, 1868, and in the repayment of the principal money borrowed under this Order, either by means of a sinking fund or otherwise, so that the same may be discharged within the period of fifty years from the date of the borrowing thereof: *
- (7.) Subject to and after answering the purposes aforesaid, the surplus income (if any) of the Commissioners shall be applied in improving the harbour and port.

Exception of
parts of Har-
bour, &c.
Chancery Act.

24. The following parts and sections of "The Harbours, Docks, and Piers 35 Clauses Act, 1847," shall not be incorporated with this Order; (namely,) "With respect to the construction of the harbour, dock, or pier;" "With respect to the construction of works for the accommodation of the officers of customs;" "With respect to life boats;" "With respect to keeping a tide and weather gauge;" Sections 25, 26, and 47: "Sections 81 and 82 with respect to the appointment of meters and weighers, and their duties;" "With respect to the recovery of damages not specially provided for, and of 45 penalties, and to the determination of any other matter referred to justices or the sheriff."

And with respect to section 28 of the said Act, nothing therein contained shall be deemed to exempt from rates or duties the vessels, whether carrying mails or not, now charged with rates or duties by the Cork Harbour Amendment Act, 1866.

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Cork.

5 And with respect to section 35 of the said Act, the report thereby required from the master of a vessel may in the case of steam vessels going to or coming from any American port be made by the agent at Cork or Queenstown of the owner of such steam vessel.

And with respect to section 50 of the said Act, the time to be allowed for 10 sending a copy of the account thereto mentioned shall, instead of one month, be three months.

25. Any quays constructed or completed in the port, harbour, or river of Cork after the passing of the Act confirming this Order shall not be deemed legal quays for the shipping and unshipping of goods until the same have been approved of by the Commissioners of Her Majesty's Treasury and the Commissioners of Her Majesty's Customs respectively for that purpose, and such quays and the use thereof shall be subject to all the same rules, regulations, and restrictions to which legal or lawful quays are or may be by law subject.

Legal quays to
be approved by
the Treasury,
&c.

26. Such of the powers and provisions of The Harbours, Docks and Piers Clauses Act, 1847, "with respect to the rates to be taken by the Undertakers," and "with respect to the collection and recovery of rates," as are incorporated with this Order, and all other powers and provisions in this Order contained, with respect to same matters, and (subject to the powers and provisions of this Order) such of the powers and provisions contained in the Acts of 1820 and 25 1866, with respect to the same matters, and with respect to the keeping and auditing accounts of rates, as are not by this Order repealed, shall be applicable alike to all rates, dues, or tolls authorised to be taken by the Commissioners, 1866, whether under the Acts of 1820 and 1866 or this Order.

Provisions of
referred Acts as
to rates, &c., to
apply to rates
under this
Order, and vice
versa.

27. The power to make by-laws conferred on the Commissioners by section 30 83 of the Harbours, Docks, and Piers Clauses Act, 1847, and this Order, shall be in addition to the powers now possessed by them in that behalf; and, notwithstanding anything in The Harbours, Docks, and Piers Clauses Act, 1847, contained, all by-laws made by the Commissioners under that Act or by virtue of this Order, shall be made, printed, and affixed according to the provisions contained in the 13th section of the Act of 1820 with respect to the making of by-laws, and shall be so printed and affixed at Queenstown as well as at Cork.

Power to make
by-laws con-
firmed by this
Order to be in
addition to §
existing
powers.

28. In any proceedings for the recovery of rates, dues, or tolls the Commissioners shall, notwithstanding anything contained in the Act of 1820, be bound only to prove that their list of rates, dues, and tolls was duly published, as required by the Act of 1820, at or within a reasonable distance of the place where the liability was incurred to the rate, due, or toll sought to be recovered, and shall not be bound to prove due publication of their list of rates, dues, or tolls at any other place required by the Act of 1820.

As to proof of
publication of
tolls.

29. In any proceedings for recovery of any penalty, or for punishment of any person on account of any act done or omitted to be done, or any offence [153.]

As to proof of
publication of
by-laws.

A.D. 1871. committed contrary to any bylaw, the Commissioners shall, notwithstanding anything contained in the Act of 1820, be bound only to prove that the bylaw in respect of which the proceedings are taken was duly published, as required by the Act of 1820, at or within a reasonable distance of the place where the act, omission, or offence occurred in respect of which the proceedings are taken, 5 and shall not be bound to prove due publication of such bylaw in any other place required by the Act of 1820.

*Parts of Harbour Docks,
&c. Act not
incorporated.*

30. Notwithstanding anything in The Harbours, Docks, and Piers Clauses Act, 1847, contained, bylaws made under that Act, or this Order, or mad under the Act of 1820, after this Order takes effect, shall not come into operation until the same have received the allowance and confirmation of the Board of Trade, which shall be sufficient for all purposes; and all certificates, or certified copies, purporting to be signed or otherwise authenticated on behalf of the Board of Trade, shall be taken as sufficient evidence of the assent or other acts of that Board. 15

*Certain provi-
sions relating
to legal procedure,
&c., contained
in Act of 1820,
excluded.*

31. The several provisions contained in sections 12, 46, 50, 68, and 72 to 77, both inclusive, of the Act of 1820, except as altered by any general Act of Parliament, as to contracts, property, and privileges of the Commissioners, or to legal procedure, and proceedings, actions, matters, and things done in pursuance of that Act, shall apply and extend, mutatis mutandis, to contracts, property, and 20 privileges, and to the like proceedings, procedure, actions, matters, and things which may be done under or by reason of this Order; and all hooks, entries, rules, orders, bylaws, accounts, certified and other copies, documents, descriptions of property, or persons, or privileges of the Commissioners, or other matters and things, which, under the provisions of the Act of 1820, may 25 be used as evidence, or used or adopted in any contract, or in any proceeding, action, suit, complaint, appeal, or other proceeding under that Act, shall be receivable as evidence, or be used and adopted in all contracts, actions, suits, complaints, and proceedings, whether civil or criminal, summary or otherwise, which shall or may be had hereafter, under the Acts of 1820 and 1866, or 30 either of them, or this Order, or under any bylaw made under the authority of the said Acts and this Order, or any or either of them.

*Recovery of
penalties.*

32. All complaints of offences against this Order, or any bylaw to be made in pursuance thereof, and all complaints of offences against the Acts of 1820 and 1866, or either of them, or any bylaw made thereunder, referred to the 35 determination of any justice or justices of the peace in a summary way, may be instituted, prosecuted, heard, and determined, and all proceedings therein may be tried, by or before any one or more justice or justices of the peace having jurisdiction in the borough of Cork, although the offence complained of may not have been committed within the limits of the ordinary jurisdiction of such justice or justices, or before any justice or justices of the peace having jurisdiction in the place where the offence complained of was committed, or in any district abutting on or adjoining the sea or any navigable water on which any offence has been committed, or where the offender or person complained against shall be found or happen to be, according to the provisions of the 40 "Petty Sessions (Ireland) Act, 1851," and the "Petty Sessions Clerk (Ireland)

Act, 1858," and of any Act or Acts amending the same, except so far as the name are altered by this and the next section of this Order. A.D. 1871.

33. Any person who shall consider himself aggrieved by any order or determination of any justice or justices of the peace, and whether acting in 5 and for the borough of Cork or not, in any matter relating to the Acts of 1820 and 1866, or either of them, or this Order, or any byelaw made under the authority of the same, or of any or either of them, may appeal therefrom: Provided always, that every such appeal shall be made to the court of quarter sessions of the peace to be held in and for the said borough of Cork, and not 10 otherwise or elsewhere, anything in the Acts of 1820 and 1866, or either of them, or any other Act, to the contrary notwithstanding: And the said court shall have full power and authority to hear and determine the same; and in all other respects the said appeal, and the conditions and proceedings therein and in relation thereto, shall be under and subject to the provisions of the "Petty Sessions (Ireland) Act, 1851," and the "Petty Sessions Clerk (Ireland) Act, 1858," and any Act or Acts amending the same.

34. All penalties, fines, and forfeitures imposed by the Acts of 1820 and 1866, and this Order, or any of them, or by any byelaw made under the authority of the same, or any of them, shall, when recovered, be applied in the same 20 manner as penalties, fines, and forfeitures imposed by the Act of 1820 are directed to be applied by that Act.

35. Notwithstanding the repeal of section 28 of the Act of 1820, the harbour master, deputy harbour masters, and all the officers and servants of the Commissioners in office at the commencement of the operation of this Order, shall 25 continue to be the officers and servants of the Commissioners, according to the nature and tenure of their appointments and employments respectively, until they resign or be removed therefrom by the Commissioners.

36. The Commissioners from time to time may, if they think proper, accept, in lieu of any other security, the security of any guarantee society, established 30 in any part of the United Kingdom, for the due performance of the duties of any officer appointed or employed by the Commissioners under the Acts of 1820 and 1866 or this Order.

37. Fishing vessels belonging to countries with which for the time being treaties exist exempting from duties and port charges such vessels when forced 35 by stress of weather to seek shelter in the ports or on the coasts of the United Kingdom shall, when forced by stress of weather to make use of the harbour and port of Cork, and not breaking bulk while making use thereof, be exempt from rates, dues, and tolls leviable under the Acts of 1820 and 1866 and this Order or any of them.

40. Officers of customs, in the execution of their duty, shall at all times have free egress, passage, and ingress from, to, and over the harbour, port, and works, by land, and with their vessels, without payment.

45. Nothing in the Act of 1820, or the Act of 1866, or this Order, shall charge with rates, dues, or tolls, or regulate or subject to control, any ships of war in the service of Her Majesty, her heirs and successors, or of any member [153.] B

Cork.

Applicability of penalties.

Commissioners of officers and servants.

Commissioners may take security of guarantee societies.

Certain fishing vessels under stress of weather exempt from rates.

Exemption of Custom House officers from rates.

Exemption of ships in Her Majesty's service, &c., from rates, &c.

A.D. 1871. of the royal family, or any ship in the service of the Board of Trade, customs, excise, or a general lighthouse authority, not conveying goods for hire, or any person in the service of the Admiralty, War Office, customs, excise, or his baggage, or any ship or goods under seizure by officers of revenue, or any naval, victualling, or ordnance stores, or other stores or goods of or for the service of Her Majesty, or any troops or their baggage. If any person claims and takes the benefit of the present section without being entitled thereto, he shall for every such offence be liable to a penalty not exceeding 10l.

Cork. 40. Nothing contained in the Act of 1820, or the Act of 1866, or in this Order, or in any of the Acts incorporated with this Order, shall authorize the Commissioners to take, use, or in any manner interfere with any portion of the shore or bed of the sea, or of any river, channel, creek, bay, or estuary, or any right in respect thereof belonging to the Queen's most Excellent Majesty in right of her Crown, without the previous consent in writing of the Board of Trade on behalf of Her Majesty (which consent the Board of Trade may give); neither shall anything in the said Acts or any of them or in this Order contained extend to take away, prejudice, diminish, or alter any of the estates, rights, privileges, powers, or authorities vested in or enjoyed or exercisable by the Queen's Majesty, her heirs or successors.

Saving rights of
the Crown in
the sea. 41. If any land to the seaward of the lands by this Order authorised to be acquired by the purposes of the Acts of 1820 and 1866 and this Order, or any of them, shall, at any time after the execution of any works under the authority of this Order, become raised in height or reclaimed, whether gradually or imperceptibly or otherwise, so as to be above instead of being below the line of ordinary high-water mark, the Commissioners shall not by virtue of the ownership of any lands which they are by the said Acts and this Order or any of them empowered to acquire have any estate, right, or interest in or to the lands so raised in height by reason that such raising has been gradual or imperceptible, or has been either wholly or partially caused by the works authorised by the Acts of 1820 or 1866 or this Order, or otherwise; but the right and title to the soil and freehold of such land when so raised or reclaimed shall continue vested in the Queen's Majesty or such other corporation or person or persons as is or are at the time of the passing of the Act confirming this Order entitled to the same, and as if the same had continued subject to the flow and reflux of the ordinary tides.

Any land re-
claimed by the
works not to be
taken without
the consent of
the Board of
Trade. 42. If in the course or by means of the execution of any of the works by the Acts of 1820 and 1866 and this Order, or any of them, authorised, any part of the shores or bed of the port or harbour of Cork, or of the sea beyond the mouth thereof, belonging to Her Majesty, shall be inned, gained, or reclaimed from the water, the Commissioners shall not have or exercise any right upon the same or in respect thereof, and shall not enter upon, take, use, or interfere with the land so inned, gained, or reclaimed for any purpose whatsoever, without the consent in writing of the Board of Trade on behalf of Her Majesty, but such innings, gains, or reclamations shall ensue absolutely for the benefit of the Queen's Majesty, her heirs and successors.

43. All conveyances, contracts, or other instruments executed or made to or by the Commissioners may be made to or by them by the name and description of The Cork Harbour Commissioners, and may be executed by any three or more of the Commissioners in the name and on behalf of the Commissioners, and for the purposes of such conveyances, contracts, or other instruments, and of the lands and rights acquired thereunder, the Commissioners shall be deemed a body corporate with perpetual succession, and may also sue and be sued under the name and description aforesaid.

Cork,
Commissioners
to be a body,
with perpetual
succession.

44. Except as is by this Order otherwise expressly provided, nothing in this Order contained shall take away, lessen, prejudice, or affect the right of the Commissioners to any rates, dues, tolls, or sums of money, or the powers of the Commissioners to levy, collect, or recover any rates, dues, tolls, or sums of money.

*Not to affect
power of Com-
missioners to
levy other rates.*

45. Nothing in this Order contained shall interfere with, alter, or affect the now existing powers or rights of the mayor, aldermen, and burgesses of the borough of Cork.

*Burgh rights
of the corpora-
tion of Cork.*

46. Nothing in this Order contained shall interfere with, alter, or affect the now existing powers or rights of the Queenstown Town Commissioners.

*Burgh rights
of Queenstown
Town Com-
missioners.*

47. This Order shall not be taken as a consent to the surrender of any rights, interests, powers, authorities, or privileges transferred to the management of the Board of Trade by The Crown Lands Act, 1868; nor shall any works under the Acts of 1820 or 1868 or this Order be commenced within limits affected by any such rights, interests, powers, authorities, or privileges, without the consent of the Board of Trade having been first obtained.

*Burgh rights
under "Crown
Lands Act,
1868."*

26

The SCHEDULE to which the foregoing Order refers.

(Slip and Gridiron Dues.)

FOR VESSELS NOT PROPELLED BY STEAM.

30	Vessels not exceeding 50 tons.	Vessels exceeding 50 tons, and not exceeding 100 tons.	Vessels exceeding 100 tons, and not exceeding 200 tons.	Vessels exceeding 200 tons, and not exceeding 300 tons.
	£ s. d.	£ s. d.	£ s. d.	£ s. d.
35 For the first 24 hours, or any fraction of the first 24 hours	- - -	0 5 0	0 7 6	0 10 0
For every 24 hours, or any fraction of 24 hours entered on after the first 24 hours	- - -	0 5 0	0 7 6	0 10 0

FOR VESSELS PROPELLED BY STEAM.

40	For the first 24 hours, or any fraction of the first 24 hours	- - -	s. d.
	For every 24 hours, or any fraction of 24 hours entered on and after the first 24 hours	- - - - -	10 0

Pier and Harbour Orders
Confirmation (No. 3).

A

B I L L

For confirming a Provisional Order made
by the Board of Trade under The
General Pier and Harbour Act, 1861,
relating to Cork.

(Prepared and brought in by
Mr. Chatterton Foxe and Mr. Arthur Pitt)

Ordered, by The House of Commons, to be Printed,

10 May 1871.

[Bill 155.]

Under 2 a.